

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

EUGENE WESLEY

PLAINTIFF

VS.

Case No. 05-CV-4053

PAT JONES

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed October 4, 2005, by the Honorable Bobby E. Shepherd, United States Magistrate Judge for the Western District of Arkansas. (Doc. 9) Plaintiff has timely filed objections to the Report and Recommendation. (Doc. 10) The plaintiff, Eugene Wesley, is currently an inmate in the Arkansas Department of Correction. Wesley has filed a complaint *pro se* against Pat Jones under 42 U.S.C. §§ 1983, 1985, and 1986. Wesley contends he has been denied his constitutional rights by acts of fraud and perjury committed by Jones as a result of Jones' false testimony given against him on September 20, 1993, in the Circuit Court of Nevada County, Arkansas.

Judge Shepherd recommends Wesley's complaint be dismissed because it is frivolous and fails to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(I)-(iii). After reviewing the record *de novo*, the Court adopts the Report and Recommendation as its own. Judge Shepherd sets forth a number of reasons Wesley's complaint should be dismissed, and the Court sees no need to regurgitate those here. After a careful review of Wesley's objections, the Court does not believe they give rise to any reasons to doubt Judge Shepherd's recommendations. Therefore, the Court finds Wesley's complaint should be and hereby is dismissed on the grounds his claims are frivolous and fail to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(I)-(iii).

IT IS SO ORDERED, this 28th day of October, 2005.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
U.S. District Court